

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

DEREK OWENS (CABN 230237)  
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor  
San Francisco, California 94102  
Telephone: (415) 436-6488  
Fax: (415) 436-7234  
Email: Derek.Owens@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MONIQUE BURNS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. CR 3-12-70126 MEJ

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING HEARING FROM  
APRIL 11, 2012 TO MAY 11, 2012

This case is scheduled for an arraignment or preliminary hearing on April 11, 2012. The parties have made progress negotiating a potential pre-indictment resolution but have not yet reached a complete resolution on the case. The parties believe that continued discussions are in the interests of the defendant and the government. A continuance of the scheduled hearing will allow the parties enough time to review and confer on discovery and come to a resolution on the case. The time is required for the effective preparation and continuity of defense counsel in representation of defendant.

The parties hereby jointly and respectfully request that the Court continue this matter to

STIP. AND ORDER  
CR 3-12-70126 MEJ

Friday, May 11, 2012 at 9:30 a.m., before the duty Magistrate Judge for a preliminary hearing.

The parties further stipulate that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from April 11, 2012 through May 11, 2012. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represent that granting the continuance is the reasonable time necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA HAAG  
United States Attorney

DATED: 4/10/2012 \_\_\_\_\_

/s/ Derek Owens

DEREK OWENS  
Assistant United States Attorney

DATED: 4/10/2012 \_\_\_\_\_

/s/ Camellia Baray

CAMELLIA BARAY  
Attorney for the Defendant

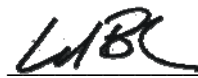
For the reasons stated above, the Court hereby vacates the March 30, 2012 hearing and continues it to May 11, 2012 at 9:30 a.m., before the duty Magistrate Judge for a preliminary hearing. The Court further finds that an exclusion of time from April 11, 2012 through May 11, 2012 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(7)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant of continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation,

1 taking into account the exercise of due diligence, and would result in a miscarriage of justice.

2 See 18 U.S.C. §3161(h)(7)(B)(iv).

3  
4 SO ORDERED.

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6 DATED: April 10, 2012



7 LAUREL BEELER

8 United States Magistrate Judge  
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